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Attorneys for CITY OF SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN DIAZ, KEITH KEESLING,  
CHRISTOPHER MURPHY, GARY  
WEEKLEY, KAREN ALLEN and other  
employees similarly situated,

Plaintiffs,

v.

CITY OF SAN JOSE,

Defendant.

Case Number: C07-06424 JW

 [PROPOSED] STIPULATED  
JUDGMENT RE: SETTLEMENT OF  
FLSA CLAIM

WHEREAS, on May 14, 2010, this Court issued an Order re: Settlement of FLSA claim;

WHEREAS, the San Jose City Council approved the settlement in open session on June 22, 2010;

WHEREAS, pursuant to the terms of the Court's May 14, 2010 Order, the parties hereby submit for signature this stipulated judgment incorporating the terms of the May 14 Order as well as an executed Settlement Agreement and Release, attached hereto as Exhibit A.

1           THEREFORE, the parties, through their respective counsel, agree to the terms of the  
2 following stipulated judgment.

3  
4 Dated: August 10, 2010

RICHARD DOYLE, City Attorney

5  
6 By:                     /S/                      
          ROBERT FABELA  
          Sr. Deputy City Attorney

7  
8 Attorney for Defendant CITY OF SAN JOSE

9 Dated: August 10, 2010

WYLIE, McBRIDE, PLATTEN & RENNER

10  
11 By:                     /S/                      
          CAROL L. KOENIG

12 Attorneys for Plaintiffs JUAN DIAZ, KEITH  
13 KEESLING, CHRISTOPHER MURPHY,  
14 GARY WEEKLEY and KAREN ALLEN

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16  
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19  
20 ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

21 I attest that concurrence in the filing of this document by the signatories, Robert  
22 Fabela and Carol Koenig, has been obtained, and that a record of the concurrence shall be  
23 maintained at the Office of the City Attorney.

24 Date: August 10, 2010

By:           /s/ Robert Fabela            
          ROBERT FABELA

**STIPULATED JUDGMENT**

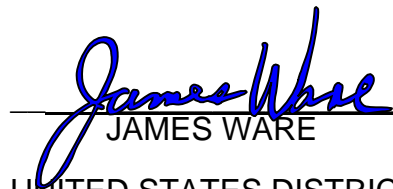
For the reasons set forth herein and in the Court's May 14, 2010 Order re: Settlement of FLSA claim, the Court adjudges and decrees as follows:

(1) The Settlement Agreement and Release reached by the parties in this matter, attached hereto as Exhibit A, is fair and reasonable and consists in substantial part of the following: (a) Plaintiffs will recover from the Defendant City of San Jose back wages in an amount to be determined by recalculating the Plaintiffs' payroll back to the pay that includes September 21, 2005 through the time that settlement payment is made; (b) such recalculations and settlement payments shall be calculated consistent with the Settlement Agreement and Release; (c) beginning the first pay period that commences after July 1, 2010, the City will calculate overtime pay pursuant to the attached Settlement Agreement and Release; and (d) the City will pay Plaintiffs' attorneys' fees and costs for both this matter as well as the related case of *Jeffrey Welch, Glen Bishop, Mitchell Witsinski, Robert Culbertson, and other employees similarly situated v. City of San Jose*, case number C08-02132 JF, in a total amount of one hundred five thousand dollars (\$105,000) for both cases.

(2) Any judgment amount or other consideration herein ordered shall never at any time or for any purpose be considered an admission of liability or responsibility on the part of any of the parties herein and that the plaintiffs waive all rights, if any be had, to further liquidated damages.

The Clerk shall close this file.

Dated: August 17, 2010

  
JAMES WARE  
UNITED STATES DISTRICT JUDGE